

1 Douglas C. Erickson, No. 012130
Daniel D. Maynard, No. 009211
2 **MAYNARD CRONIN ERICKSON**
CURRAN & SPARKS, P.L.C.
3 3200 North Central Avenue, Ste. 1800
Phoenix, Arizona 85012
4 (602) 279-8500
derickson@mmcec.com
5 dmaynard@mmcec.com

6 Attorneys for JPMorgan Chase Bank, N.A.,
as acquirer of certain assets and liabilities of
7 Washington Mutual Bank from the Federal Deposit
Insurance Corporation acting as receiver, and
8 California Reconveyance Company

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 George M Walker and Diane W. Walker,
12 husband and wife,

13 Plaintiffs,

14 v.

15 Washington Mutual Bank, F.A.; JPMorgan
Chase Bank N.A.; California Reconveyance
16 Company; Security Title Agency,

17 Defendants.

No. CV11-0584-PHX-SRB

**RESPONSE TO COURT'S
ORDER TO SHOW CAUSE AND
MOTION TO ENLARGE TIME
TO ANSWER OR DEFEND FIRST
AMENDED COMPLAINT**

18 Defendants JPMorgan Chase Bank, N.A. ("Chase"), as acquirer of certain assets and
19 liabilities of Washington Mutual Bank ("WaMu") from the Federal Deposit Insurance
20 Corporation ("FDIC") acting as receiver, and California Reconveyance Company ("CRC")
21 respectfully submit this response to the Court's Order to Show Cause (Dkt. No. 27) and
22 simultaneously move for an enlargement of time to answer or defend the First Amended
23 Complaint. This response and motion are supported by the following memorandum of points
24 and authorities, and the Court's record, which are incorporated herein.

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs served the original Complaint on these defendants on April 1, 2011. (Dkt. Nos. 7-8) They filed their First Amended Complaint (“FAC”) on April 6, 2011. (Dkt. No. 9) Notwithstanding the fact that there is a mailing certificate attached to the FAC, these defendants have not been able to locate any record of having received the FAC and they were unaware of the filing of the FAC until counsel received this Court’s order of June 6, 2011. (Dkt. No. 27)

Many of the issues raised in the original Complaint also appear in the FAC, but the FAC makes claims not included in the Complaint. Therefore, some aspects of the pending Motion to Dismiss are not moot, but because the amendments made in the FAC are substantial, applying the pending Motion to Dismiss to the FAC would be a confusing and inefficient exercise.

Therefore, Defendants respectfully move the Court for an enlargement of time to answer or defend the FAC until June 30, 2011. Because undersigned counsel is scheduled to be out of the office next week, when he would otherwise be able to analyze the FAC and respond to it, June 30 would provide a reasonable time in which answer or otherwise defend.

RESPECTFULLY SUBMITTED this 8th day of June, 2011.

**MAYNARD CRONIN ERICKSON
CURRAN & REITER, P.L.C.**

By /s/Douglas C. Erickson
Douglas C. Erickson
Daniel D. Maynard
3200 N. Central Ave., Ste. 1800
Phoenix, AZ 85012
Attorneys for JPMorgan Chase Bank, N.A.,
as acquirer of certain assets and liabilities of
Washington Mutual Bank from the Federal
Deposit Insurance Corporation acting as
receiver, and California Reconveyance
Company

1 **ORIGINAL** of the foregoing e-filed this 8th day of June, 2011, with:

2 Clerk of the Court
3 United States District Court
4 401 W. Washington St.
5 Phoenix, AZ 85003

6 **COPY** of the foregoing delivered via ECF this 8th day of June, 2011, to:

7 Honorable Susan R. Bolton
8 United States District Court
9 401 W. Washington St.
10 Phoenix, AZ 85003

11 **COPY** of the foregoing mailed this 8th day of June, 2011, to:

12 George and Diane Walker
13 3964 E. Expedition Way
14 Phoenix, AZ 85050
15 Plaintiffs pro se

16 By /s/Stacey Tanner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

George M Walker and Diane W. Walker,
husband and wife,

Plaintiffs,

v.

Washington Mutual Bank, F.A.; JPMorgan
Chase Bank N.A.; California Reconveyance
Company; Security Title Agency,

Defendants.

No. CV11-0584-PHX-SRB

**ORDER GRANTING MOTION TO
ENLARGE TIME TO ANSWER
OR DEFEND FIRST AMENDED
COMPLAINT**

Pursuant to the Response to Court's Order to Show Cause and Motion to Enlarge Time to Answer or Defend First Amended Complaint, and good cause appearing therefor,

IT IS HEREBY ORDERED that Defendants shall have until June 30, 2011 to answer or otherwise defend the First Amended Complaint.